

PATENT

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

Serial No.: 10/566,109 )  
Confirmation No.: 9532 )  
Applicant: Makinson et al. )  
Filed: April 26, 2006 )  
For: DEVICE FOR SUPPLYING A )  
RESPIRATORY GAS WITH )  
INTEGRATED HUMIDIFIER )  
Examiner: Colin W. Stuart )  
Art Unit: 4177 )  
Attorney Docket No.: )  
1171/44327/163-PCT-US )

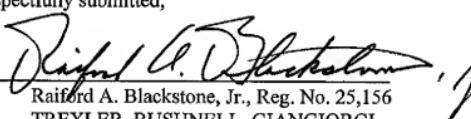
**DECLARATION TO DISQUALIFY COMMONLY OWNED PATENT  
AS PRIOR ART (37 C.F.R. 1.130)**

The undersigned, Raiford A. Blackstone, Jr., acting as attorney on behalf of the Applicant, declares that the above-identified application and WO 03/041780 are currently owned by the same party, and that the inventor named in WO 03/041780 is the prior inventor under 35 U.S.C. 104.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: June 23, 2009

By:   
Raiford A. Blackstone, Jr., Reg. No. 25,156  
TREXLER, BUSHNELL, GIANGIORGI,  
BLACKSTONE and MARR, LTD.  
105 W. Adams Street, 36th Floor  
Chicago, Illinois 60603